



LEVITT LAW
A PROFESSIONAL CORPORATION

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Waste Management Simi Valley Landfill Scott Tignac Facility Manager 2801 N. Madera Rd. Simi Valley, CA 93065	CT Corporation Waste Management of California 818 W. 7 th Street, #930 Los Angeles, CA 90017
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Mr. Jeff Sessions U.S. Attorney General U.S. Department of Justice 950 Pennsylvania Avenue, N.W. Washington, DC 20530-001	Samuel Unger Executive Officer Regional Water Quality Control Board Los Angeles Region 320 West Fourth Street, Ste. 200 Los Angeles, CA 90013
Alexis Strauss Acting Regional Administrator U.S. EPA, Region 9 75 Hawthorne Street San Francisco, CA 94105	

Notice of Violations and Intent to File Suit under the Clean Water Act

To Whom It May Concern:

Levitt Law, APC ("Levitt Law") represents Our Clean Waters ("OCW"), a non-profit corporation organized under the laws of the State of California. This letter is to give notice that Levitt Law, on behalf of OCW, intends to file a civil action against Waste Management of California ("WMOC" or "WMSV") for violations of the Federal Water Pollution Control Act, 33 U.S.C. § 1251 *et seq.* ("Clean Water Act" or "CWA") at WMSV's Simi Valley Landfill Facility located at 2801 Madera, Simi Valley, CA 93065 (the "Facility" or "WMSV").

OCW is concerned with the environmental health of the Arroyo Simi, on behalf of the public that uses and enjoys said Water Bodies, its inflows, outflows, and other waters of the affected Watershed. The public's use and enjoyment of these waters is negatively affected by the pollution caused by WMSV's operations. Additionally, OCW acts in the interest of the general public to prevent pollution in these waterways, for the benefit of their ecosystems, and for the benefits of all individuals and communities who use these waterways for various recreational, educational, and spiritual purposes.

This letter addresses WMSV's unlawful discharge of pollutants from the Facility into conveyance channels that discharge into the Arroyo Simi, which flows into Calleguas Creek. The facility is discharging storm water pursuant to National Pollutant Discharge Elimination System ("NPDES") Permit No. CAS000001, State Water Resources Control Board ("State Board") Order No. 97-03-DWQ ("1997 Permit") as renewed by Order No. 2015-0057-DWQ ("2015 Permit").¹ The 1997 Permit was in effect between 1997 and June 30, 2015, and the 2015 Permit went into effect on July 1, 2015. As appropriate, OCW refers to the 1997 and 2015 Permits in this letter collectively as the "General Permit." Investigation of the Facility has uncovered significant, ongoing, and continuous violations of the CWA and the General Permit.

Section 505(b) of the Clean Water Act requires a citizen to give notice of intent to file suit sixty (60) days prior to the initiation of a civil action under Section 505(a) of the Act (33 U.S.C. § 1365(b)). Notice must be given to the alleged violator, the U.S. Environmental Protection Agency ("EPA"), and the State in which the violations occur.

As required by the Clean Water Act Section 505(b), this Notice of Violations and Intent to File Suit provides notice to WMSV of the violations that have occurred and which continue to occur at the Facility. Consequently, OCW hereby places WMSV on formal notice, that after the expiration of sixty (60) days from the date of this Notice of Violations and the Intent to Sue, OCW intends to file suit in federal court against WMSV under Section 505(a) of the Clean Water Act (33 U.S.C. § 1365(a)), for violations of the CWA and the General Permit. The violations are described more fully below.

During the 60-day notice period, OCW is willing to discuss effective remedies for the violations noticed in this letter. We suggest that WMSV contact OCW's attorneys at Levitt Law within the next twenty (20) days so these discussions may be completed by the conclusion of the 60-day notice period. Please note that we do not intend to delay the filing of a complaint in federal court, and service of the complaint shortly thereafter, even if discussions are continuing when the notice period ends.

I. THE LOCATION OF THE ALLEGED VIOLATIONS

A. The Facility

The Waste Management of California's facility is located at 2801 N. Madera Road, Simi Valley, CA. The site comprises over 300 acres of land (Assessor's Parcel Numbers 615-0-150-295; 695-0-150-245; 615-0-150-255; 615-0-150-305; 615-0-156-455; 615-0-160-395). WMSV operates as a recycling facility and landfill of solid municipal waste designated under Standard Industrial Classification ("SIC") code 4953. WMSV conducts the following industrial activities at the Facility: vehicle maintenance; diesel fueling area; landfill disposal; wood/green waste processing and storage; construction and demolition processing; leachate treatment and storage of landfill gas condensation; vehicle storage and parking; and the use of a cogeneration engine plant. At a minimum, WMPC utilizes the following industrial materials at the Facility: motor oil; used oil; hazardous waste; oil and grease; recyclables; and diesel fuel. Possible pollutants from the Facility include: pH, total suspended solids ("TSS"), oil and grease ("O&G"), Chemical Oxygen Demand ("COD"), Iron ("Fe"), additional metals, and other pollutants. Storm water from the

¹ On April 1, 2014, the State Water Resources Control Board adopted an updated NPDES General Permit for Discharges Associated with Industrial Activity, Water Quality Order No. 2014-57-DWQ, which has taken force or effect or its effective date of July 1, 2015. As of the effective date, Water Quality Order No. 2014-57-DWQ has superseded and rescinded the prior Industrial General Permit except for purposes of enforcement actions brought pursuant to the prior permit.

water from the Facility discharges, via the local storm sewer system and/or surface runoff indirectly into the Arroyo Simi.

B. The Affected Water

The Arroyo Simi, Calleguas Creek, and the overall affected Watershed are waters of the United States. The CWA requires that water bodies such as the Arroyo Simi/Calleguas Creek and its inflows and outflows meet water quality objectives that protect specific "beneficial uses." The beneficial uses of the Arroyo Simi and Calleguas Creek include estuarine habitat, fish migration, navigation, the preservation of rare and endangered species, fish spawning, and wildlife habitat. Contaminated storm water from the Facility adversely affects the water quality of the Arroyo Simi, Calleguas Creek, and the overall Affected Watershed, and threatens the beneficial uses and ecosystems of these waters.

II. THE FACILITY'S VIOLATIONS OF THE CLEAN WATER ACT

Under the Clean Water Act, the discharge of any pollutant to a water of the United States is unlawful except in compliance with certain provisions of the Clean Water Act. (See 33 U.S.C. § 1311(a)). Further, it is unlawful to discharge in violation of the terms and conditions of an NPDES permit, CWA § 301(a), 33 U.S.C. § 1311(a); *see also* CWA § 402(p), 33 U.S.C. § 1342(p) (requiring NPDES permit issuance for the discharge of storm water associated with industrial activities). In California, any person who discharges storm water associated with industrial activity must comply with the terms of the Industrial General Permit in order to lawfully discharge.

WMSV has submitted a Notice of Intent ("NOI") to be authorized to discharge storm water from the Facility under the Industrial General Permit since at least 1992 (WDID No. 4 56I005786). However, information available to OCW indicates that storm water discharges from the Facility have violated the terms of the Industrial General Permit, and has been, and continues to violate the CWA. Apart from discharges that comply with the Industrial General Permit, the Facility lacks NPDES permit authorization for any other discharges of pollutants into waters of the United States.

Pursuant to Section I.A.8 of the Industrial General Permit, a facility operator must comply with all conditions of the Industrial General Permit. (Industrial General Permit, §I.A.8. [dischargers must "comply with all requirements, provisions, limitations, and prohibitions in this General Permit."]). Failure to comply with the Industrial General Permit is a Clean Water Act violation. (Industrial General Permit §XXI.A.). Any non-compliance further exposes an owner/operator to an (a) enforcement action; (b) Industrial General Permit termination, revocation and re-issuance, or modification; or (c) denial of an Industrial General Permit renewal application. As an enrollee, WMSV has a duty to comply with the Industrial General Permit and is subject to all of the provisions therein.

A. Discharges in Excess of BAT/BCT Levels

The Effluent Limitations of the Industrial General Permit prohibit the discharge of pollutants from the Facility in concentrations above the level commensurate with the application of best available technology economically achievable ("BAT") for toxic pollutants² and best conventional pollutant control technology ("BCT") for conventional pollutants. Industrial General Permit § I(D)(32), II(D)(2); Previous Industrial General Permit, Order Part B(3).

² BAT is defined at 40 C.F.R. § 437.1 et seq. Toxic pollutants are listed at 40 C.F.R. § 40.1.15 and include copper, lead, and zinc, among others.

Specifically, the Permit "requires control of pollutant discharges using BAT and BCT to reduce and prevent discharges of pollutants, and any more stringent effluent limitations necessary for receiving waters to meet applicable water quality standards." (Industrial General Permit §I(D)(32); see also §V.A.). BAT and BCT include both nonstructural and structural measures. 1997 Permit, Section A(8); 2015 Permit Section X(H). Conventional pollutants are TSS, O&G, pH, biochemical oxygen demand, and fecal coliform. 40 C.F.R. §401.16. All other pollutants are either toxic or nonconventional. *Id.*; 40 C.F.R. §401.15.

The EPA has published benchmark levels as guidelines for determining whether a facility discharging industrial storm water has implemented the requisite BAT and BCT. These benchmark levels are reflected as Numeric Action Level (NAL) values in the current Industrial General Permit (also known as Benchmark values in the Previous Industrial General Permit). These levels are set at the maximum pollutant concentration present to determine if an industrial Facility is employing BAT and BCT. (See Attachment 1 of this Notice for applicable Benchmark Values).³

Additionally, the Previous Industrial General Permit notes that effluent limitation guidelines for several named industrial categories have been established and codified by the Federal Government. See Previous Industrial General Permit § VIII. The Previous Industrial General Permit mandates that for facilities that fall within such industrial categories, compliance with the listed BAT and BCT for the specified pollutants listed therein must be met in order to be in compliance with the Previous Industrial General Permit. *Id.* WMSV falls within these named industrial categories and it must have complied with the effluent limitations found therein in order to have been in compliance with the previous Industrial General Permit during its effective period.

Based on WMSV's self-reporting data and/or lack thereof, WMSV's self-reporting of industrial storm water discharges shows a pattern of exceedances of Benchmarks and NAL values, especially as it pertains to the parameters TSS, O&G, Iron, and COD, Specific Conductance, and others. This pattern of exceedances of Benchmarks and NAL values indicate that WMSV has failed and is failing to employ measures that constitute BAT and BCT in violation of the requirements of the Industrial General Permit and Previous Industrial General Permit. Self monitoring reports under the Permit are deemed "conclusive evidence of an exceedance of a permit limitation." *Sierra Club v. Union Oil*, 813 F.2d 1480, 1493 (9th Cir. 1988).

OCW alleges and notifies WMSV that its storm water discharges from the Facility have consistently contained and continue to contain levels of pollutants that exceed Benchmark Values for TSS, O&G, Iron, and COD, Specific Conductance, and others. WMSV's ongoing discharges of storm water containing levels of pollutants above EPA Benchmark values, and BAT and BCT based levels of control, also demonstrate that WMSV has not developed and implemented sufficient Best Management Practices ("BMPs") at the Facility. Proper BMPs could include, but are not limited to, moving certain pollution-generating activities under cover or indoors, capturing and effectively filtering or otherwise treating all storm water prior to discharge, frequent sweeping to reduce build-up of pollutants on-site, installing filters on downspouts and storm drains, and other similar measures.

³ The Benchmark values are part of the EPA's Multi-Sector General Permit ("MSGP"). See 73 Fed. Reg 56,572 (Sept 29, 2008) (Final National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharged From Industrial Activities).

WMSV's failure to develop and/or implement adequate pollution controls to meet BAT and BCT at the Facility violates and will continue to violate the CWA and the Industrial General Permit each and every day WMSV discharges without meeting BAT/BCT. OCW alleges that WMSV has discharged storm water containing excessive levels of pollutants from the Facility to the Arroyo Simi and Calleguas Creek during significant local rain events over 0.1 inches in the last three (3) years (Attachment 3).⁴ Every significant rain event that has occurred in the last three (3) years represents a discharge of polluted storm water run-off into the Arroyo Simi and Calleguas Creek. WMSV is subject to civil penalties for each violation of the Industrial General Permit and the CWA within the past three (3) years.

B. Discharges Impairing Receiving Waters

The CWA and Industrial General Permit's Discharge Prohibitions disallow storm water discharges that cause or threaten to cause pollution, contamination, or nuisance. See Industrial General Permit, Section III; Previous Industrial General Permit Order, Part A (2). The Industrial General Permit also prohibits storm water discharges to surface or groundwater that adversely impact human health or the environment. See Industrial General Permit, Section VI (b-c); Previous Industrial General Permit Order, Part C (1). Receiving Water Limitations of the Industrial General Permit prohibit storm water discharges that cause or contribute to an exceedance of applicable Water Quality Standards ("WQS") contained in a Statewide Water Quality Control Plan or the applicable Regional Water Board's Basin Plan. See Industrial General Permit, Section VI (a); Previous Industrial General Permit Order, Part C (2). Applicable WQS are set forth in the California Toxic Rule ("CTR")⁵ and Los Angeles River Basin Water Quality Control Plan (Region 8) (the "Basin Plan").⁶ Exceedances of WQS are violations of the Industrial General Permit, the CTR, and the Basin Plan.

The CTR is set forth at 40 C.F.R. § 131.38 and is explained in the Federal Register preamble accompanying the CTR promulgation set forth at 65 Fed. Reg. 31, 682 (May 18, 2000). See http://www.waterboards.ca.gov/losangeles/water_issues/programs/basin_plan/ to reference the Basin Plan. The beneficial uses of the Arroyo Simi/Calleguas Creek and its tributaries include wildlife habitat, non-contact water recreation, warm freshwater habitat, and rare, threatened or endangered species. The non-contact water recreation use is defined as "uses of water for recreational activities involving proximity to water, but not normally involving contact with water where water ingestion is reasonably possible. These uses include, but are not limited to, picnicking, sunbathing, hiking, beachcombing, camping, boating, tidepool and marine life study, hunting, sightseeing, or aesthetic enjoyment in conjunction with the above activities." *Id.* at 3-3. Contact recreation use includes fishing and wading. *Id.*

The Basin Plan establishes WQS for all Inland Surface Waters, including the Affected Water Body Watershed, which contain, but are not limited, to the following standards:

- That "toxic substances shall not be discharged at levels that will bioaccumulate in aquatic resources to levels which are harmful to human health." *Id.* at 4-20.

⁴ The Benchmark values are part of the EPA's Multi-Sector General Permit ("MSGP"). See 73 Fed. Reg. 56,572 (Sept. 29, 2008) (Final National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges From Industrial Activities).

⁵ The CTR is set forth at 40 C.F.R. § 131.38 and is explained in the Federal Register preamble accompanying the CTR promulgation set forth at 65 Fed. Reg. 31, 682 (May 18, 2000).

⁶ The Basin Plan is published by the Santa Ana Regional Water Quality Control Board and can be accessed at <http://www.waterboards.ca.gov>

- That "waste discharges shall not in deposition of oil, grease, wax, or other material in concentrations which result in a visible film or in coating objects in the water, or which cause a nuisance or adversely affect beneficial uses." *Id.* at 4-14.
- That "inland surface waters shall not contain suspended or settleable material in amounts which cause a nuisance or adversely affect beneficial uses as a result of controllable water quality factors." *Id.* at 4-16.
- That "the pH of Inland surface waters shall not be raised above 8.5 or depressed below 6.5 as a result of controllable water quality factors." *Id.* at 4-18.
- That "waste discharges shall not contain floating materials, including solids, liquids, foam or scum, which cause a nuisance or adversely affect beneficial uses." *Id.* at 4-10.
- That "waste discharges shall not result in coloration of the receiving waters which causes a nuisance or adversely affect beneficial uses." *Id.* at 4-10.
- That "waste discharges shall not result in increases in COD levels in inland surface waters which exceed values shown in Table 4-1 or which adversely affect beneficial uses." *Id.* at 4-9.

OCW alleges that WMSV's storm water discharges have caused or contributed to exceedances of Receiving Water Limitations in the Industrial General Permit and the WQS set forth in the Basin Plan and CTR, and is clearly in violation of the CWA. These allegations are based on WMSV's self-reported data submitted to the Santa Ana Regional Water Quality Control Board. The sampling results indicate that WMSV's discharges are causing or threatening to cause pollution, contamination, and/or nuisance; adversely impacting human health or the environment; and violating applicable WQS (See Attachment 1).

OCW alleges that each day that WMSV has discharged storm water from the Facility, WMSV's storm water has contained levels of pollutants that exceeded one or more of the Receiving Water Limitations and/or applicable WQS in the Arroyo Simi, Calleguas Creek, and the Affected Watershed. OCW alleges that WMSV has discharged storm water exceeding Receiving Water Limitations and/or WQS from the Facility to the Arroyo Simi, Calleguas Creek, and the Affected Watershed during significant local rain events over 0.1 inches in the last three (3) years (See Attachment 3). Each discharge from the Facility that violates a Receiving Water Limitation or has caused or contributed, or causes or contributes, to an exceedance of an applicable WQS constitutes a separate violation of the Industrial General Permit and the CWA. WMSV is subject to penalties for each violation of the Industrial General Permit and the CWA within the past three (3) years.

C. Failure to Develop and Implement an Adequate Storm Water Pollution Prevention Plan

The Industrial General Permit requires dischargers to develop and implement an adequate Storm Water Pollution Prevention Plan ("SWPPP"). See Industrial General Permit, Section X (B); Previous Industrial General Permit, Part A (I) (a) and Provision E(2). The Industrial General Permit also requires dischargers to make all necessary revisions to the existing SWPPP promptly. See Industrial General Permit, Section X (B); Previous Industrial General Permit Order, Part E (2).

The SWPPP must include, among other requirements, the following: a site map, a list of significant materials handled and stored at the site, a description and assessment of all WMSV pollutant sources, a description of the BMPs that will reduce or prevent pollutants in stormwater discharges, specification of BMPs designed to reduce pollutant discharge to BAT and BCT levels, a comprehensive site compliance evaluation completed each reporting year, and revisions to the SWPPP within 90 days after a Facility manager determines that the SWPPP is in violation of any requirements of the Industrial General Permit. See Industrial General Permit, Section X (A); Previous Industrial General Permit, Part A.

Based on information available to OCW, WMSV has failed to prepare and/or implement an adequate SWPPP and/or failed to revise the SWPPP to satisfy each of the requirements stated in Section X (A) of the Industrial General Permit and/or the corresponding Section of the Previous Industrial General Permit. For Example, WMSV's SWPPP does not include and/or WMSV has not implemented adequate BMPs designed to reduce pollutant levels in discharges to BAT and BCT levels in accordance with Section A (8) of the Industrial General Permit as evidenced by the data in Attachment 1. The Facility's storm water samples have consistently exceeded EPA Benchmarks and NALs, demonstrating the failure of its BMPs to reduce or prevent pollutants associated with industrial activities in the Facility's discharges. Despite these exceedances, WMSV has failed to sufficiently update and revise the Facility's SWPPP. The facility's SWPPP has therefore never achieved the Industrial General Permit's objective to identify and implement proper BMPs to reduce or prevent pollutants associated with industrial activities in storm water discharges.

Accordingly, WMSV has violated the CWA each and every day that it has failed to develop and/or implement an adequate SWPPP meeting all of the requirements of Section X (A) of the Industrial General Permit and/or the corresponding Section of the Previous Industrial General Permit, and WMSV will continue to be in violation every day until it develops and implements an adequate SWPPP. WMSV is subject to penalties for each violation of the Industrial General Permit and the CWA occurring within the past three (3) years.

D. Failure to Develop and Implement an Adequate Monitoring and Reporting Program and to Perform Annual Comprehensive Site Compliance Evaluations

The Industrial Storm Water Permit requires Facility operators to develop and implement a Monitoring Implementation Program ("MIP"). See Industrial General Permit, Section XI; Previous Industrial General Permit, Section B (I) and Order, Part E (3). The Industrial General Permit requires that the MIP ensures that the Facility adequately detects and measures its storm water discharges to ensure compliance with the Discharge Prohibitions, Effluent Limitations, and Receiving Water Limitations specified in the Industrial General Permit. *Id.* Facility operators must ensure that their MIP practices reduce or prevent pollutants in storm water and authorized non-storm water discharges as well as evaluate and revise their practices to meet changing conditions at the Facility. *Id.* This may include revising the SWPPP as required by Section X (A) of the Industrial General Permit and/or the corresponding Section of the Previous Industrial General Permit.

The MIP must measure the effectiveness of BMPs used to prevent or reduce pollutants in storm water and authorized non-storm water discharges, and Facility operators must revise the MIP whenever appropriate. See Industrial General Permit, Section XI; Previous Industrial General Permit, Section B. The Industrial General Permit requires Facility operators to visually observe and collect samples of storm water discharges from all drainage areas. *Id.* Facility

operators are also required to provide an explanation of monitoring methods describing how the Facility's monitoring program will satisfy these objectives. *Id.*

The Previous Industrial General Permit requires dischargers to collect storm water samples during the first hour of discharge from the first storm event of the wet season, and at least one other storm event during the wet season, from all storm water discharge locations at the facility (1997 Industrial General Permit, § B(5)). The current Industrial General Permit now mandates that facility operators sample four (rather than two) storm water discharges from all drainage locations over the course of the reporting year (2015 Industrial General Permit, §§ XI(B)(2), (3)). Despite these requirements, WMSV submitted the Annual Report for the 2015-2016 reporting period with analysis date for only two (2) storm events; and the event sampled on 1/5/2016 did not include data from all of the facility's SWPPP designated sample locations. Also, there appear to be discrepancies in WMSV's reporting to the Regional Water Board. WMSV's reports claim that there have been no discharges at the Facility in recent years, but Test America's reports on the site in question, suggests that there have been annual discharges exceeding SWPPP parameters for the past three (3) years. WMSV has failed to adequately explain why there is a lack of required sampling data.

Additionally, as previously described, WMSV had knowledge of previous Iron and TSS exceedances but failed to consistently analyze their discharges for these parameters. This directly affected WMSV's requirement to adequately detect and measure its storm water discharges to ensure comply with the Discharge Prohibitions, Effluent Limitations, and Receiving Water Limitations specified in the Industrial General Permit; and to adequately measure the effectiveness of BMPs in place at the Facility.

WMSV has been operating the Facility with an inadequately developed and/or inadequately implemented MIP, in violation of the substantive and procedural requirements set forth in Section B of the Industrial General Permit. For example, the data in Attachment 1 indicates that WMSV's monitoring program has not ensured that storm water discharges are in compliance with the Discharge Prohibitions, Effluent Limitations, and Receiving Water Limitations of the Industrial General Permit as required by the Industrial General Permit, Section XI and/or the Previous Industrial General Permit, Section B. The monitoring has not resulted in practices at the Facility that adequately reduce or prevent pollutants in stormwater as required by the Industrial General Permit, Section XI and/or the Previous Industrial General Permit, Section B. Similarly, the data in Attachment 1 indicates that WMSV's monitoring program has not effectively identified or responded to compliance problems at the Facility or resulted in effective revision of the BMPs in use or the Facility's SWPPP to address such ongoing problems as required by Industrial General Permit, Section XI and/or the Previous Industrial General Permit, Section B.

As a result of WMSV's failure to adequately develop and/or implement an adequate MIP at the Facility, WMSV has been in daily and continuous violation of the Industrial Stormwater Permit and the CWA each and every day for the past three (3) years. These violations are ongoing. WMSV will continue to be in violation of the monitoring and reporting requirement each day that WMSV fails to adequately develop and/or implement an effective MIP at the Facility. WMSV is subject to penalties for each violation of the Industrial General Permit and the CWA occurring for the last three (3) years.

The WMSV owners and/or Operators had numerous opportunities to sample but failed to do so, and failed to monitor all locations and all constituents as required. They are thus subject to

penalties in accordance with the Industrial General Permit – punishable by a minimum of \$51,570 per day of violation occurring after November 2, 2015 and \$37,500 per day of violation occurring before November 2, 2015. (23 U.S.C. §1319(d); 40 CFR 19.4; Industrial General Permit, §XXI.Q.1).

E. Unpermitted Discharges

Section 301(a) of the CWA prohibits the discharge of any pollutant into waters of the United States unless the discharge is authorized by an NPDES Permit issued pursuant to Section 402 of the CWA. See 33 U.S.C. § 1311 (a), 1342. WMSV sought coverage for the Facility under the Industrial General Permit, which states that any discharge from an industrial Facility not in compliance with the Industrial General Permit must be either eliminated or permitted by a separate NPDES permit. Industrial General Permit, Section III; Previous Industrial General Permit Order, Part A (1). Because WMSV has not obtained coverage under a separate NPDES permit and has failed to eliminate discharges not permitted by the Industrial General Permit, each and every discharge from the Facility described herein, not in compliance with the Industrial General Permit, has constituted and will continue to constitute a discharge without CWA Permit coverage in violation of section 301 (a) of the CWA, 33 U.S.C. § 131 I(a).

III. PERSON RESPONSIBLE FOR THE VIOLATIONS

Waste Management of California ("WMSV") is responsible for the violations at the Facility located at 2801 N. Madera Road, Simi Valley, CA 93065 as described above.

IV. NAME AND ADDRESS OF NOTICING PARTY

OUR CLEAN WATERS

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V. LEGAL COUNSEL

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VI. REMEDIES

As stated previously, OCW intends, at the close of the 60-day notice period or thereafter, to file suit under CWA section 505(a) against WMSV for the above-referenced violations. OCW will seek

declaratory and injunctive relief to prevent further CWA violations pursuant to CWA sections 505(a) and (d), 33 U.S.C. § 1365(a) and (d), and such other relief as permitted by law. In addition, OCW will seek civil penalties pursuant to CWA section 309(d), 33 U.S.C. § 1319(d), and 40 C.F.R. § 19.4, against OCWM in this action. **The CWA imposes civil penalty liability of up to \$51,570 per day of violation occurring after November 2, 2015 and \$37,500 per day of violation occurring before November 2, 2015, plus attorneys' fees and costs (33 U.S.C. § 1319(d); 40 C.F.R. § 19.4).** OCW will seek to recover such penalties, restitution, attorneys' fees, experts' fees, and costs in accordance with CWA section 505(d), 33 U.S.C. § 1365(d). It should be noted that the statute of limitations is three (3) years for citizen enforcement actions brought pursuant to the federal Clean Water Act, bringing potential liabilities from February 13, 2012 to the present. Furthermore, actions are allowable under prior expired permits within the three (3) year period. (See *Illinois v. Outboard Marine, Inc.*, (7th Cir. 1982) 680 F.2d 473, 480-81 [relief granted for violations of an expired Permit]; *Sierra Club v. Aluminum Co. of Am.*, (N.D.N.Y. 1984) 585 F. Supp. 842, 853-854 [holding that the Clean Water Act's legislative intent and public policy favor allowing penalties for violations of an expired permit]).

As noted above, OCW and its Counsel are willing to meet with you during the 60-day notice period to discuss effective remedies for the violations noted in this letter. Please contact me to initiate these discussions.

Sincerely,

A handwritten signature in black ink, appearing to be "Scott L. Levitt", written in a cursive style.

Scott L. Levitt, Esq.

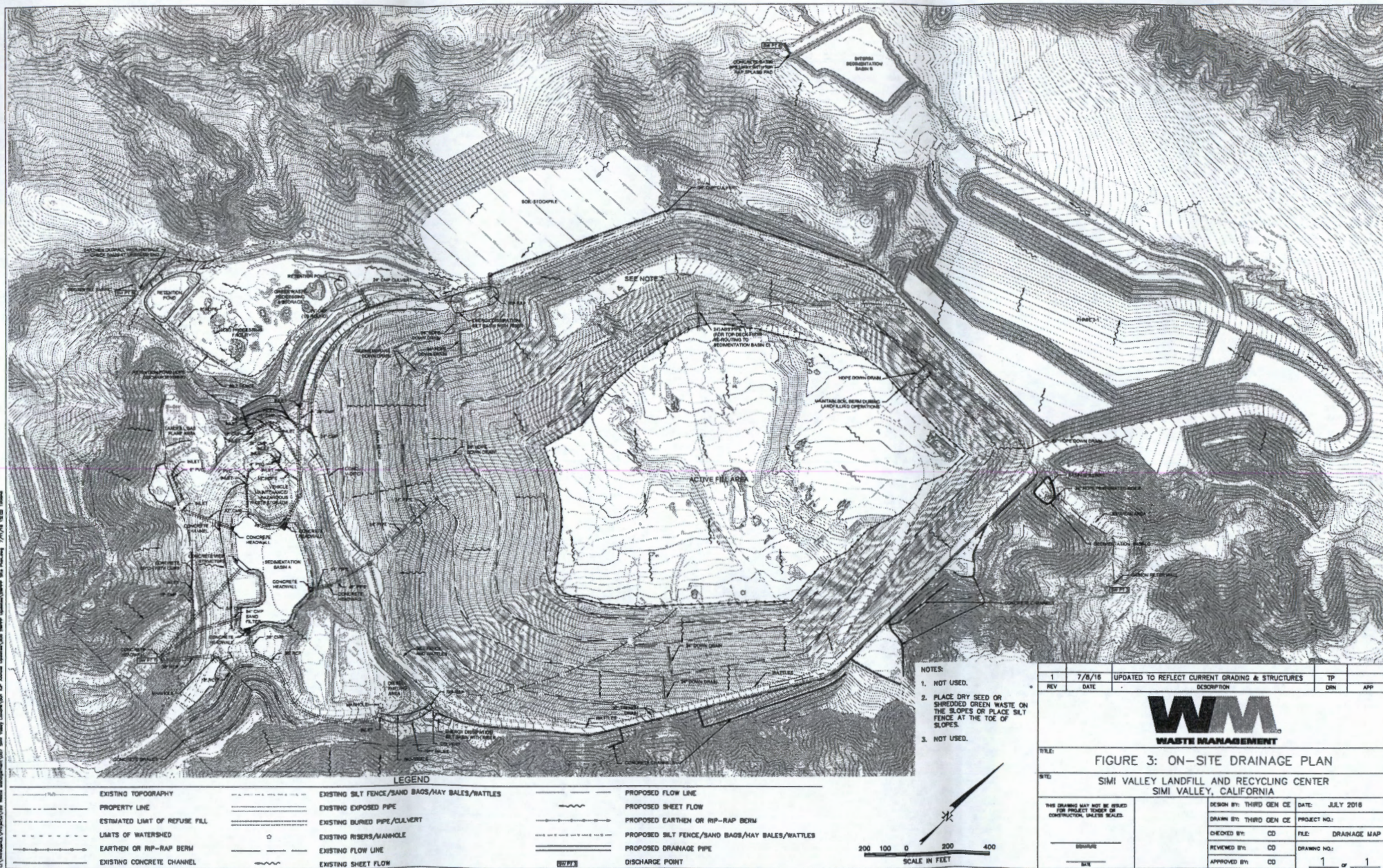
ATTACHMENT 1

1. Self-Reported Sampling Conducted by WMSV Demonstrating Non-compliance with BAT/BCT

Date of Sample	Discharge Point	Parameter	EPA Benchmark Value / NAL Value	Sample Value
2/28/2014	SWPT3	Nitrate/Nitrite	.68 mg/L	2.7 mg/L
2/28/2014	SWPT3	Phosphorus	2.0 mg/L	3.2 mg/L
2/28/2014	SWPT3	Chemical Oxygen Demand (COD)	120 mg/L	550 mg/L
2/28/2014	SWPT3	Specific Conductance	200 umhos/cm	980 umhos/cm
2/28/2014	SWPT3	Total Suspended Solids (TSS)	100 mg/L	540mg/L
12/12/14	SWPT1	TSS	100 mg/L	470 mg/L
12/12/14	SWPT1	Specific Conductance	200 umhos/cm	200 umhos/cm
12/12/14	SWPT1	Iron	1.0 mg/L	15 mg/L
12/12/14	SWPT3	TSS	100 mg/L	620 mg/L
12/12/14	SWPT3	Specific Conductance	200 mg/L	800 mg/L
12/12/14	SWPT3	Iron	1 mg/L	24 mg/L
12/02/2014	SWPT1	Oil and Grease	25 mg/L	32 mg/L
12/02/2014	SWPT1	Specific Conductance	200 mg/L	380 mg/L
12/02/2014	SWPT1	TSS	100 mg/L	710 mg/L
1/07/2016	SWPT1	Iron	1.0 mg/L	2.1 mg/L
1/07/2016	SWPT1	TSS	100mg/L	150 mg/L

ATTACHMENT 2

Maps of the Facility





LEGEND

★ SITE LOCATION

REGIONAL WATER QUALITY CONTROL
BOARD JURISDICTIONAL BOUNDARIES

Central Coast	North Coast
Central Valley	San Diego
Colorado River	San Francisco Bay
Lahontan	Santa Ana
Los Angeles	

NOTES

REFERENCE

1. SERVICE LAYER CREDITS: CONTENT MAY NOT REFLECT
NATIONAL GEOGRAPHIC'S CURRENT MAP POLICY. SOURCES:
NATIONAL GEOGRAPHIC, ESRI, DELORME, HERE, UNEP-
VCMC, USGS, NASA, ESA, METI, NRCAN, GEBCO, NOAA,
INCREMENT P CORP.
SOURCE: ESRI, DIGITALGLOBE, GEOEYE, I-CUBED, USDA,
USGS, AEX, GETMAPPING, AEROGRIID, IGN, IGP, SWISSTOPO,
AND THE GIS USER COMMUNITY
2. COORDINATE SYSTEM: NAD 1983 STATEPLANE CALIFORNIA

CLIENT
WASTE MANAGEMENT

PROJECT
SIMI VALLEY LANDFILL AND RECYCLING CENTER
(SIMI VALLEY, CA)

TITLE
REGIONAL LOCATION MAP

CONSULTANT



YYYY-MM-DD 2014-11-11

PREPARED DEP

DESIGN DEP

REVIEW BK

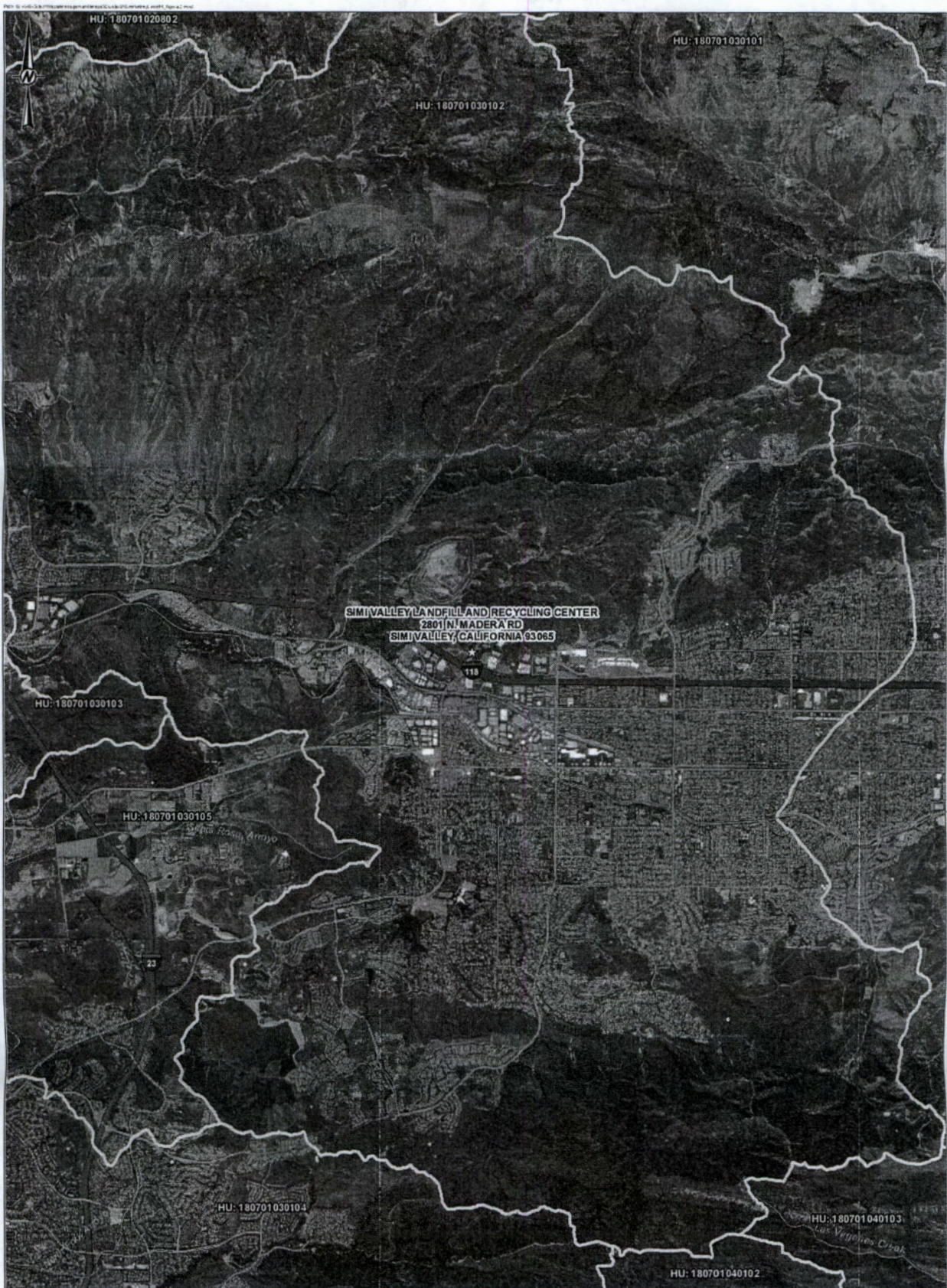
APPROVED TB

PROJECT No
1405400.23

CONTROL

REVIEW

FIGURE
1



LEGEND

- ★ SITE LOCATION
- WATERSHED BOUNDARY AND HYDROLOGIC UNIT

NOTES

REFERENCE

1. SERVICE LAYER CREDITS: CONTENT MAY NOT REFLECT NATIONAL GEOGRAPHIC'S CURRENT MAP POLICY. SOURCES: NATIONAL GEOGRAPHIC, ESRI, DELORME, HERE, UNEP-WCMC, USGS, NASA, ESA, METI, NRCAN, GEBCO, NOAA, INCREMENT P CORP.
 SOURCE: ESRI, DIGITALGLOBE, GEOEYE, I-CUBED, USDA, USGS, AEX, GETMAPPING, AEROGRIID, IGN, IGP, SWISSTOPO, AND THE GIS USER COMMUNITY
 2. COORDINATE SYSTEM: NAD 1983 STATEPLANE CALIFORNIA V FIPS 0405 FEET
 3. HYDROLOGIC UNITS: WATERSHED BOUNDARY DATASET

CLIENT
WASTE MANAGEMENT

PROJECT
SIMI VALLEY LANDFILL AND RECYCLING CENTER
(SIMI VALLEY, CA)

TITLE
SITE VICINITY MAP

CONSULTANT



PROJECT No
1405406.23

CONTROL

YYYY-MM-DD 2014-11-11

PREPARED CDF

DESIGN CDF

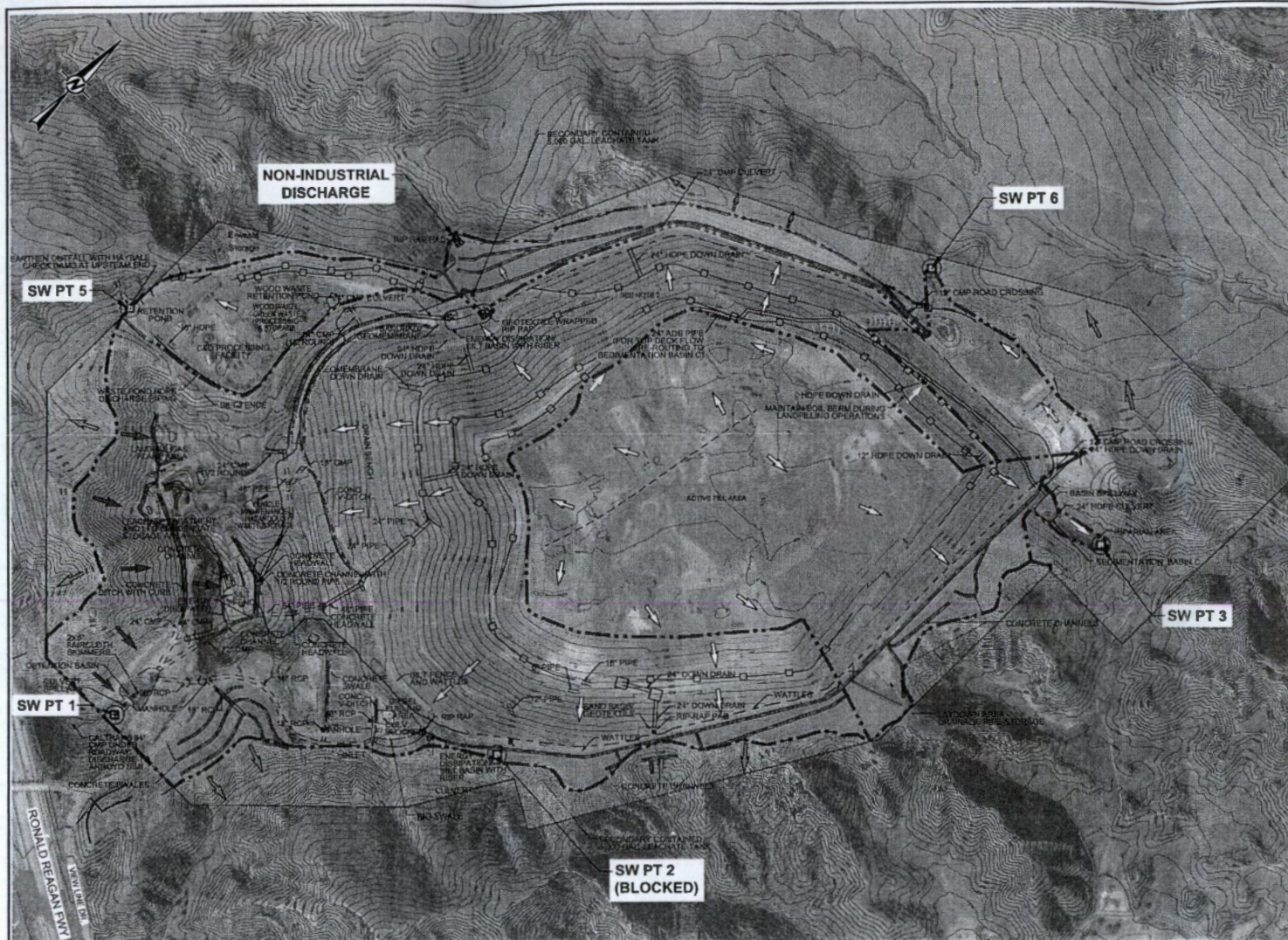
REVIEW SK

APPROVED TB

REVIEW

FIGURE

2



- LEGEND**
- STORMWATER DISCHARGE POINT
 - PROPERTY BOUNDARY
 - DRAINAGE AREA BOUNDARY
 - SURFACE WATER FLOW DIRECTION
 - RUN-ON FLOW DIRECTION
 - RUN-OFF FLOW DIRECTION
 - STORMWATER PIPE AND FLOW DIRECTION
 - NON-INDUSTRIAL / NATURAL AREA
 - CONCRETE CHANNEL FLOW DIRECTION
 - EASTERN OR RIP-RAP BERM
 - ESTIMATED LIMIT OF REFUSE FILL
 - LIMITS OF WATERSHED
 - EXISTING CONCRETE CHANNEL
 - EXISTING 8 FT FENCE/SAND BAG/HAY BALES/WATTLES
 - EXISTING EXPOSED PIPE
 - EXISTING BURIED PIPE/CULVERT
 - EXISTING RISER/MANHOLE

- NOTES**
- SERVICE LAYER CREDITS: SOURCE: GOOGLE EARTH VIA QGIS-OPENLAYERS-PLUGIN
 - COORDINATE SYSTEM: NAD83 CALIFORNIA STATE PLANES, ZONE V, US FOOT
 - BASE TOPOGRAPHY BY MILLER CREEK AERIAL MAPPING, DATED JANUARY 28, 2015. HORIZONTAL COORDINATES NAD27, CALIFORNIA STATE PLANE ZONE 5 TRANSFORMED TO NAD83 ZONE 5 BY GOLDBER, VERTICAL DATUM IS NGVD29.

0 250 500
SCALE FEET

CLIENT
SIMI VALLEY LANDFILL / MRF
2801 N. MADERA RD.
SIMI VALLEY, CALIFORNIA

CONSULTANT



DATE	2015-09-24
PREPARED BY	RLT
DESIGNED BY	TB
REVIEWED BY	LZ
APPROVED BY	TB

PROJECT
STORMWATER POLLUTION PREVENTION PLAN

TITLE
SITE MAP

PROJECT NO.
1405406.23

FIGURE
3